

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff/Respondent,**

**v.**

**No. CIV 08-575 JC/LAM  
CR 07-169 JC**

**LOUIS H. GARCIA,**

**Defendant/Movant.**

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

**THIS MATTER** is before the Court on Magistrate Judge Lourdes A. Martínez' *Proposed Findings and Recommended Disposition* (Doc. 12), filed on March 20, 2009. No party has filed objections to the proposed findings and recommended disposition and the deadline for filing objections has passed. The Court has determined that it will adopt the *Proposed Findings and Recommended Disposition* (Doc. 12), deny Mr. Garcia's *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody* (Docs. 1 and 4) without an evidentiary hearing, and dismiss this case with prejudice.

**IT IS THEREFORE ORDERED** that the *Proposed Findings and Recommended Disposition* (Doc. 12) are **ADOPTED** by the Court.

**IT IS FURTHER ORDERED** that Mr. Garcia's *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody* (Docs. 1 and 4) is **DENIED**.

**IT IS FURTHER ORDERED** that this case be **DISMISSED WITH PREJUDICE** and that a final judgment be entered concurrently with this order.

**IT IS SO ORDERED.**

s/John Edwards Conway

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**HONORABLE JOHN E. CONWAY**  
**SENIOR UNITED STATES DISTRICT JUDGE**